

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

**WSOU INVESTMENTS, LLC D/B/A BRAZOS
LICENSING AND DEVELOPMENT,**

Plaintiff,

v.

**DELL TECHNOLOGIES INC., DELL INC.,
EMC CORPORATION, AND VMWARE, INC.**

Defendant.

**CIVIL ACTION 6:20-cv-00473-ADA
CIVIL ACTION 6:20-cv-00475-ADA
CIVIL ACTION 6:20-cv-00476-ADA
CIVIL ACTION 6:20-cv-00477-ADA
CIVIL ACTION 6:20-cv-00480-ADA
CIVIL ACTION 6:20-cv-00481-ADA
CIVIL ACTION 6:20-cv-00482-ADA
CIVIL ACTION 6:20-cv-00485-ADA
CIVIL ACTION 6:20-cv-00486-ADA**

**WSOU INVESTMENTS, LLC D/B/A BRAZOS
LICENSING AND DEVELOPMENT,**

Plaintiff,

v.

ZTE CORPORATION,

Defendant.

**CIVIL ACTION 6:20-cv-00487-ADA
CIVIL ACTION 6:20-cv-00488-ADA
CIVIL ACTION 6:20-cv-00489-ADA
CIVIL ACTION 6:20-cv-00490-ADA
CIVIL ACTION 6:20-cv-00491-ADA
CIVIL ACTION 6:20-cv-00492-ADA
CIVIL ACTION 6:20-cv-00493-ADA
CIVIL ACTION 6:20-cv-00494-ADA
CIVIL ACTION 6:20-cv-00495-ADA
CIVIL ACTION 6:20-cv-00496-ADA
CIVIL ACTION 6:20-cv-00497-ADA**

**WSOU INVESTMENTS, LLC D/B/A BRAZOS
LICENSING AND DEVELOPMENT,**

Plaintiff,

v.

GOOGLE, LLC,

Defendant.

**CIVIL ACTION 6:20-cv-00572-ADA
CIVIL ACTION 6:20-cv-00579-ADA
CIVIL ACTION 6:20-cv-00580-ADA
CIVIL ACTION 6:20-cv-00584-ADA
CIVIL ACTION 6:20-cv-00585-ADA**

**WSOU INVESTMENTS, LLC D/B/A BRAZOS
LICENSING AND DEVELOPMENT,**

Plaintiff,

v.

**HEWLETT PACKARD ENTERPRISE
COMPANY,**

Defendant.

GOOGLE, LLC

Plaintiff,

v.

TERRIER SSC, LLC

Defendant.

GOOGLE, LLC

Petitioner,

v.

BP FUNDING TRUST

Respondent

GOOGLE, LLC

Petitioner,

v.

AQUA LICENSING, LLC

Respondent.

**CIVIL ACTION 6:20-cv-00725-ADA
CIVIL ACTION 6:20-cv-00726-ADA
CIVIL ACTION 6:20-cv-00728-ADA
CIVIL ACTION 6:20-cv-00730-ADA
CIVIL ACTION 6:20-cv-00783-ADA**

CIVIL ACTION 6:21-cv-01269-ADA

CIVIL ACTION 6:21-cv-01270-ADA

CIVIL ACTION 6:21-cv-01309-ADA

**PLAINTIFF'S RESPONSE TO JOINDER OF THE DELL DEFENDANTS TO
GOOGLE'S MOTION TO COMPEL
RESPONSES TO SUBPOENA FROM BASEPOINT**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Plaintiff” or “Brazos”) submits this response to Defendants Dell Technologies Inc., Dell Inc., and EMC Corporation’s (collectively, “Dell”) Joinder to Google’s Motion to Compel Responses to Subpoena from BasePoint (“Joinder”).

Dell’s Joinder requests the Court compel BasePoint to comply with Dell’s subpoena, which seeks security and loan agreements with BasePoint and OT Terrier. 6:20-cv-00473-ADA, Dkt. 164 at pp. 2-3. However, as explained in BasePoint’s letter to Dell, which Dell attached as an exhibit to its Joinder, Dell’s subpoena seeks the same security and loan agreements with BasePoint and OT Terrier as Microsoft’s subpoena, and the Court already denied Microsoft’s motion to compel these documents from Brazos. *Id.*, Dkt. 164-4 (“As you are probably aware, the ‘agreement for responding to a similar subpoena issued by Google LLC in its litigation with WSOU,’ which [Google’s counsel] mentioned in his 10/8 email, has been set aside. The reason why, was because WSOU informed us that Microsoft recently sought these **very same documents** set out in [Google’s counsel’s] 10/8 email, in party discovery it propounded on WSOU, and that Microsoft filed a motion to compel production, which we understand was then **denied by Judge Albright.**”) (emphasis added).

The Court already denied a request for production of the same set of documents sought by Dell’s subpoena. Declaration of Jonathan K. Waldrop, Ex. 1, *WSOU Investments LLC v. Microsoft Corporation*, 6:20-cv-00454-ADA, Dkt. 104 at p. 3 (“Microsoft’s request to compel WSOU to produce the underlying Loan Agreement and full Security Agreement for both the BP Funding Trust and OT WSOU Terrier Holdings security interests is DENIED.”)

Accordingly, Brazos respectfully requests the Court uphold its November 2, 2021 Order Regarding Discovery Disputes and deny Dell's request to compel BasePoint to comply with Dell's subpoena.

Dated: March 18, 2022

RESPECTFULLY SUBMITTED,

By: /s/ Jonathan K. Waldrop

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BRAZOS LICENSING AND
DEVELOPMENT

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was served or delivered electronically to all counsel of record, on this 18th day of March, 2022.

/s/ Jonathan K. Waldrop
Jonathan K. Waldrop